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commerce by telegraph, and a provision of a contract limiting the liability of the company for an interstate message, which has not been disapproved by the commission, is binding and prevents recovery of the statutory penalty for error in transmitting which causes delay in delivery, imposed by Code 1904, § 1294h, cls. 5 and 6.

[Ed. Note.—For other cases, see Commerce, Cent. Dig. § 5; Dec. Dig. § 8.* 7 Va.-W. Va. Enc. Dig. 873.]

Error to Corporation Court of Newport News.

Action by L. J. Bolling against the Western Union Telegraph Company. Judgment for the plaintiff, and defendant brings error. Reversed and remanded for new trial.

Hughes, Little & Seawell, of Norfolk, for plaintiff in error.

J. W. Read, of Newport News, for defendant in error.

WESTERN UNION TELEGRAPH CO. *v.* MAHONE.

Jan. 11, 1917.

[91 S. E. 157.]

Commerce (§ 28*)—"Interstate Commerce"—**Telegram**.—The transmission of a telegram between two points within the state by relaying it through points outside the state is "interstate commerce," though by handling the message oftener it could have been transmitted without leaving the state.

[Ed. Note.—For other cases, see Commerce, Cent. Dig. § 22; Dec. Dig. § 28.* 7 Va.-W. Va. Enc. Dig. 874.

For other definitions, see Words and Phrases, First and Second Series, Interstate Commerce.]

Error to Law and Chancery Court of City of Norfolk.

Action by William Mahone, Jr., against the Western Union Telegraph Company. Judgment for plaintiff, and defendant brings error. Reversed and remanded for a new trial.

Hughes, Little & Seawell, of Norfolk, and *Albert T. Benedict* and *Francis Raymond Stark*, both of New York City, for plaintiff in error.

L. B. Way and *E. A. Bilisoly*, both of Norfolk, for defendant in error.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.